

Message Text

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OES-07 OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: PROPOSALS BY PERU AND PORTUGAL FOR
POST-CONFERENCE IMPLEMENTING MECHANISM

1. IN PARAGRAPHS 2 AND 3 RESPECTIVELY ARE THE TEXTS
OF PROPOSALS MADE BY PERU AND PORTUGAL FOR INSTITUTIONAL
ARRANGEMENTS TO OVERSEE THE IMPLEMENTATION OF A
LAW OF THE SEA CONVENTION. NEITHER PROPOSAL HAS AS
YET BEEN THE SUBJECT OF GENERAL DISCUSSION AT THIS
SESSION. THE US DELEGATION HAS ACCORDINGLY TAKEN
NO POSITION ON THESE PROPOSALS.

2. PROPOSAL BY THE DELEGATION OF PERU (INTRODUCED
APRIL 10, 1978) PART...- INTERNATIONAL COMMISSION
ON THE LAW OF THE SEA

BEGIN QUOTE - ARTICLE 1

1. THERE IS HEREBY ESTABLISHED THE INTERNATIONAL
COMMISSION ON THE LAW OF THE SEA AS AN INTERGOVERNMENTAL
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BODY RESPONSIBLE FOR THE EXAMINATION OF PROBLEMS WHICH
MAY ARISE IN CONNECTION WITH THE APPLICATION OF THE
PROVISIONS OF THE PRESENT CONVENTION, AS WELL AS FROM
SITUATIONS NOT COVERED BY IT.

2. ALL STATES ARE IPSO FACTO MEMBERS OF THE COMMISSION.

3. THE SEAT OF THE COMMISSION SHALL BE IN...

ARTICLE II

THE INTERNATIONAL COMMISSION ON THE LAW OF THE SEA SHALL HAVE, INTER ALIA, THE FOLLOWING POWERS AND FUNCTIONS:

(A) EXAMINE ALL QUESTIONS RELATING TO THE HARMONIZATION OF THE PROVISIONS OF THIS CONVENTION WITH OTHER INTERNATIONAL INSTRUMENTS AND RULES OF CUSTOMARY INTERNATIONAL LAW GOVERNING VARIOUS ASPECTS OF THE LAW OF THE SEA;

(B) SUGGEST SUITABLE METHODS OF RESOLVING ANY AMBIGUITIES, INCONSISTENCIES, GAPS, ANACHRONISMS OR OTHER DIFFICULTIES ENCOUNTERED IN THE PROVISIONS OF THIS CONVENTION WHICH ARE NOT SUBJECT TO ANY OF THE PROCEDURES FOR THE SETTLEMENT OF DISPUTES SET OUT IN PART XV;

(C) STUDY ANY LEGAL PROBLEMS WHICH MAY ARISE AS A RESULT OF ECONOMIC, SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS CONNECTED WITH THE USE AND EXPLOITATION OF THE OCEAN SPACE, AND TO PROPOSE THE STATES PARTIES SUITABLE METHODS FOR THEIR SOLUTION;

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(D) EXAMINE NEW IDEAS WHICH MAY BE PRESENTED IN CONNECTION WITH THE PROGRESSIVE DEVELOPMENT OF THE LAW OF THE SEA AND PROBLEMS RELATING TO CASES WHICH HAVE NOT BEEN FORESEEN OR ADEQUATELY COVERED BY THE PROVISIONS OF THIS CONVENTION;

(E) RECEIVE, CIRCULATE AND CONSIDER ANY INFORMATION, OPINIONS AND PROPOSALS THAT THE GOVERNMENTS OF STATES PARTIES MAY SUBMIT TO IT ON MATTERS CONNECTED WITH THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION;

(F) REPLY TO QUESTIONS REFERRED TO IT BY INTERNATIONAL ORGANIZATIONS - RELATED TO MARITIME AFFAIRS WHICH ARE CONNECTED WITH THEIR RESPECTIVE AREAS OF COMPETENCE IN THE CONTEXT OF THE PROVISIONS OF THIS CONVENTION AND WHICH DO NOT REQUIRE SETTLEMENT UNDER ANY OF THE PROCEDURES LAID DOWN IN PART XV;

(G) CO-OPERATE IN THE DEVELOPMENT, CONSOLIDATION AND CO-ORDINATION OF THE ACTIVITIES OF INTERNATIONAL ORGANIZATIONS RELATED TO MARINE AFFAIRS THROUGH RECOMMENDATIONS OF A LEGAL NATURE ON CONCEPTUAL,

TECHNICAL OR OPERATIONAL QUESTIONS, INCLUDING THE PREPARATION OF STANDARDS, GENERAL GUIDELINES AND UNIFORM METHODS OF INTERPRETATION OR APPLICATION;

(H) ASSIST THE GOVERNMENTS OF STATES PARTIES AND INTERNATIONAL ORGANIZATIONS, AS APPROPRIATE, IN THE DEVELOPMENT OF POLICIES AND PROGRAMMES CONNECTED WITH THE LAW OF THE SEA, AS WELL AS IN ANY MATTERS CALLING FOR CO-OPERATION BETWEEN STATES OR BETWEEN MEMBERS OF SUB-REGIONAL OR REGIONAL OR WORLD-WIDE ORGANIZATIONS IN ACCORDANCE WITH THE PROVISIONS OF THE CONVENTION;

(I) SERVE AS A FORUM FOR THE EXAMINATION OF PROPOSALS

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AIMED AT IMPROVING OR SUPPLEMENTING THE PROVISIONS OF THIS CONVENTION AND FOR THE PREPARATORY WORK OF CONFERENCES CONVENED WITH A VIEW TO AMENDING OR REVISING THE CONVENTION;

(J) EDIT COLLECTIONS OF NATIONAL AND INTERNATIONAL LEGISLATION ON MATTERS RELATING TO THE LAW OF THE SEA AS WELL AS BIBLIOGRAPHICAL ABSTRACTS OF OTHER PUBLICATIONS PREPARED ON THESE SUBJECTS;

(K) PREPARE PUBLICATIONS CONTAINING INFORMATION ABOUT THE MAIN PROVISIONS OF THE CONVENTION AND OTHER RELATED MATTERS WITH A VIEW TO INFORMING PUBLIC OPINION ON THE SUBJECT.

ARTICLE III

1. THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL CONVENE, NOT LATER THAN ONE YEAR AFTER THE PRESENT CONVENTION HAS BEEN SIGNED, A CONFERENCE OF THE STATES PARTIES TO PREPARE AND ADOPT THE STATUTES OF THE INTERNATIONAL COMMISSION ON THE LAW OF THE SEA.

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2. SUBJECT TO A DECISION TO THE CONTRARY, THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL CONVENE THE FIRST CONFERENCE OF THE COMMISSION NOT LATER THAN THREE YEARS AFTER THE ENTRY INTO FORCE OF THE PRESENT CONVENTION. THE AGENDA OF THIS CONFERENCE SHALL BE PROPOSED BY THE SECRETARY-GENERAL ON THE BASIS OF THE REPLIES OF STATES PARTIES TO A CIRCULAR LETTER. END QUOTE

3. PROPOSAL BY THE DELEGATION OF PORTUGAL (INTRODUCED MAY 4, 1978) PERIODIC CONFERENCE ON INTERNATIONAL OCEAN AFFAIRS

BEGIN QUOTE - ARTICLE 1

1. THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL CONVENE, EVERY (THREE) YEARS STARTING FROM THE ENTRY INTO FORCE OF THE CONVENTION, A CONFERENCE TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE MANNER IN WHICH THE REGIME ESTABLISHED BY THE CONVENTION IS BEING APPLIED, WITH THE EXCEPTION OF PART XI AND ITS ANNEXES. IN THE LIGHT OF THE SAID REVIEW, THE CONFERENCE MAY RECOMMEND TO STATES AND TO THE APPROPRIATE INTERNATIONAL ORGANIZATIONS MEASURES AIMED AT FACILITATING THE INTERPRETATION AND APPLICATION OF THE REGIME ESTABLISHED BY THE CONVENTION.

2. IN UNDERTAKING THE REVIEW MENTIONED IN PARAGRAPH 1 THE CONFERENCE SHALL TAKE INTO ACCOUNT MAJOR TRENDS IN OCEAN USES, NEW TECHNOLOGIES, PROGRESS IN SCIENTIFIC KNOWLEDGE, MANAGEMENT AND PROTECTION ISSUES OF INTERNATIONAL SIGNIFICANCE, INSTITUTIONAL AND LEGAL DEVELOPMENTS AND OTHER RELEVANT ASPECTS OF INTERNATIONAL

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OCEAN AFFAIRS.

3. THE PERIODIC CONFERENCE IS NOT EMPOWERED TO AMEND
THE CONVENTION.

ARTICLE 2

THE PERIODIC CONFERENCE SHALL BE OPEN TO ALL STATES
PARTIES TO THE CONVENTION.

ARTICLE 3

THE CONFERENCE SHALL BE SERVICED BY THE SECRETARY-GENERAL
OF THE UNITED NATIONS IN CO-OPERATION WITH THE SPECIALIZED
AGENCIES AND OTHER INTERNATIONAL ORGANIZATIONS CONCERNED
THAT ARE PART OF THE UNITED NATIONS SYSTEM.

THE AGENDA OF THE CONFERENCE SHALL BE DRAWN UP BY THE
SECRETARY-GENERAL IN CONSULTATION WITH THE SPECIALIZED
AGENCIES AND OTHER INTERNATIONAL ORGANIZATIONS CONCERNED
THAT ARE PART OF THE UNITED NATIONS SYSTEM, ON THE BASIS
OF REPLIES OF STATES TO A CIRCULAR LETTER.

ARTICLE 4

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THE SECRETARY-GENERAL SHALL CONVENE, NOT LATER THAN TWO
YEARS AFTER THE SIGNATURE OF THE CONVENTION, A SPECIAL
SESSION OF THE CONFERENCE TO REVIEW THE STATE OF

RATIFICATION IN THE CONVENTION AND, IF NECESSARY, TO
PROPOSE MEASURES TO ENCOURAGE FURTHER PARTICIPATION.
THE SPECIAL SESSION SHALL CONSIDER AND ADOPT THE RULES
OF PROCEDURES FOR THE CONFERENCE.

ALL STATES SIGNATORIES OF THIS CONVENTION SHALL BE INVITED
TO TAKE PART IN THAT SPECIAL SESSION. RICHARDSON

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